

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )       8:06CR398  
                               )  
vs.                         )       ORDER  
                               )  
VICTOR MANUEL MENDOZA ESCOBAR, )  
                               )  
Defendant.                 )

This matter is before the court on the motion for an extension of time by defendant Victor Manuel Mendoza Escobar (Escobar) (Filing No. 16). Escobar seeks an extension of time until February 5, 2007, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 9). Defense counsel represents to the court that counsel for the government has no objection to the extension. Escobar's counsel represents that Escobar consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Escobar's motion for an extension of time (Filing No. 16) is granted. Defendant Escobar is given until **on or before February 5, 2007**, in which to file pretrial motions pursuant to the progression order (Filing No. 9). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 5, 2007 and February 5, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 2:00 p.m. on January 12, 2007, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 5th day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge